

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**RAMIRO LEMUS, on behalf of himself and all others
similarly situated,**

Plaintiff,

- against -

**TODD PEZZEMENTI and NORTHERN TREE
SERVICE,**

Defendants.

15CV5592 (NSR)(LMS)

ORDER

THE HONORABLE LISA MARGARET SMITH, U.S.M.J.

On April 1, 2020, this Court issued an Order for Plaintiff to show cause "why the undersigned should not issue a Report and Recommendation recommending that Judge Román deny Plaintiff's request for the entry of a default judgment awarding him money damages in the above-referenced action." Docket # 81. In response to Plaintiff's explanation for his failure to file his inquest submission in a timely fashion and request for additional time to meet with his clinical neuropsychologist in connection with his inquest submission, the Court issued a second Order on April 9, 2020, directing "that Plaintiff shall provide the Court with an update 30 days from the date hereof, informing the Court as to Plaintiff's ability to meet with his clinical neuropsychologist and when such appointment will be scheduled to occur." Docket # 83. The Court further ordered that "Plaintiff must provide the Court with an explanation as to why he is unable to meet with his clinical neuropsychologist remotely, even though he needs a translator, who may participate remotely as well." *Id.* Over 30 days have passed since the Court issued its second Order, and to date, Plaintiff has neither filed anything nor contacted the Court in any other manner.

This case is now almost five years old. The time for further delay is long past, also long past is the time when the Court can accept counsel's failure to abide by the Court's orders. Accordingly, **Plaintiff is once again ordered to show cause by no later than May 19, 2020**, why the undersigned should not issue a Report and Recommendation recommending that Judge Román deny Plaintiff's request for the entry of a default judgment awarding him money damages in the above-referenced action. Plaintiff shall provide in any response to this Order an explanation for his inability to meet with his clinical neuropsychologist either in person or remotely within 30 days from the date hereof. Plaintiff's failure to provide such an explanation shall likewise result in the issuance of a Report and Recommendation recommending that Judge Román deny Plaintiff's request for the entry of a default judgment awarding him money damages in the above-referenced action. There will be no further extensions of time beyond that included herein.

Dated: May 12, 2020
White Plains, New York

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York